

**COMMUNITY POLICE REVIEW COMMISSION
(CPRC)**

Wednesday, March 3, 2021

7:00 P.M.

Zoom Meeting

MINUTES

I. CALL TO ORDER, ROLL CALL, PLEDGE

The meeting was called to order at 7:06 P.M. by Chair Pro Tem Carol Hegstrom, with all Commission Members participating via teleconference.

Present: Carol Hegstrom (Chair Pro Tem), Yenny Garcia (Vice Chair), Diego Garcia, Donnell Jones, and Dow Tunis

Absent: Oscar Garcia, Andre Jackson, Steven Lacy, Randy Joseph (Chair)

Staff: Shané Johnson, Staff Liaison – Present

Council Liaison: Vacant

City Attorney's

Office Representative: Bruce Soublet, Senior Assistant City Attorney – Present

II. APPROVAL OF MINUTES (December 2, 2020, January 6, 2021 and February 3, 2021)

The minutes from the December 2, 2020 meeting had just been submitted and were continued to the next meeting for approval. The minutes from the January 6, 2021 and February 3, 2021 meetings were not available.

III. AGENDA REVIEW

Senior Assistant City Attorney Bruce Soublet stated because of various issues with people having to work and the Chair having a family emergency, Item X.A the Public Summary for #2020-7, and Item XII the executive session would be continued to the April CPRC meeting. In addition, given the continuation of the executive session, the report from Officer Threet would be moved up on the agenda after Public Forum.

IV. PUBLIC FORUM

Cordell Hindler, Richmond, advised that he would bring up the issue of having a member of the CPRC present at neighborhood council meetings. He also urged the return to in-person meetings of the CPRC at the regular location as soon as possible.

IX. OLD BUSINESS, DISCUSSION ITEM

A. Update on Reports Status (Threet)

Jerry Threet, Investigative Officer, reported that he was working on three investigations.

Those investigations were #2020-3, an excessive force allegation involving a response to a family fight; #2020-5, an officer involved death incident in response to a domestic violence call; and #2020-6, an excessive force complaint during the Oakland Black Lives Matter protest where RPD officers had been part of a contingent that had come from the Sheriff's office to assist in policing. He described the status of each investigation and stated there might be four possible complete investigations to submit at the next meeting. He also referred to #2021-1, a complaint of excessive force and racially abusive treatment, and from April last year an officer-involved death complaint that was pending. He explained those were all the priorities in that the previous cases were old and had passed the statute of limitations where people had been contacted and there had been no response after multiple attempts.

Commissioner Diego Garcia referred to the statute of limitations regarding the other reports and verified with Officer Threet there had been several from 2018.

Officer Threet explained that he had reached out to everyone on the list to advise of an investigator on the complaint and had requested that he be contacted to schedule an interview to start the process. He acknowledged there had been some confusion at times with the investigations from Internal Affairs at the Office of Professional Accountability. He had identified the distinctions between the two but noted that some people did not want to go through more than one process, and for whatever reason there had been no response from most of the old cases. When he had not received responses to his requests and after several attempts, he would do an Internet investigation to attempt to find contact information.

The potential need for a special meeting to catch up on the cases was briefly discussed with no determination.

V. REPORT OF CITY COUNCIL LIAISON (Vacant)

There was no report.

VI. REPORT BY CHIEF OF POLICE (Chief Bisa French or Designee)

Cordell Hindler suggested that certain businesses should not stay open 24 hours because they encouraged more crime. He cited the 7Eleven at 25th and Macdonald as an example. He also referred to speeders at 27th and Nevin, and at both sites he requested a greater police presence. He had also heard a number of concerns from Richmond Library staff given people hanging out around the children's area and he asked for a greater police presence in that area as well.

Chief Bisa French spoke to the areas of the City that Mr. Hindler had identified and explained that just because people were hanging out did not mean that the police had the right to enforce their removal. She understood the issues and noted the attempts to address speeding concerns, which was a challenge given staffing shortages. She reported that Sergeant England and Sergeant Ellison had been promoted last month, Friday would be the Officer of the Year Dinner and Officer Hodges would be honored for the fourth time as the Officer of the Year, and Michelle Mylem would be honored as the Professional Staff Employee of the Year.

Chief French stated last month had been Black History Month and she had the opportunity to sit on multiple panels and had experienced difficult but necessary commentary about police and community relationships. She had read to school kids at Peres Elementary School and answered a lot of questions from the Fourth Grade class; and had also participated with the Guardians of Justice, the Black Police Officers' Association and the book giveaway at Pullman Point.

Stating that two additional professional employees had been lost last month, Chief French explained that the Crime Analyst and a position in the Crime Prevention Unit were huge losses, particularly the Crime Analyst who had been responsible to pull crime stats and produce the ShotSpotter report and who had left to pursue a better opportunity elsewhere. With the frozen Crime Analyst Technician position still vacant, there was no one to bump up to the Crime Analyst position. An open recruitment was ongoing.

Chief French also reported there were currently four officers on light duty, seven officers on injury leave, Police Officer testing had been conducted last weekend and a couple of CPRC members had participated in those oral interviews. A DUI Checkpoint had been scheduled for March 13, 2021. Over the last month, there had been several significant investigations including a missing juvenile, 17-year old Antoine Whittley, who had disappeared on February 10, 2021 and who may or may not have jumped from the Richmond-San Rafael Bridge. She described the extraordinary efforts that had been undertaken to find Mr. Whittley on land and in the water.

Chief French added that a homicide had occurred last month at the Hilltop Marriott that was currently being occupied by the unhoused community when a 5-week old baby had been beaten to death and when both parents had been charged with murder. There had also been an attempted homicide over a taxi carjacking when the victim had been beaten and remained in a coma.

Captain Simmons stated that the gun violence in February involved five shootings and no homicides. Two of the shootings were in the northern district, one in the central district and two in the southern district; none of the injuries were life-threatening and all five cases were still ongoing. In terms of violent crime, the RPD was trending down in comparison to last year. He explained that the Community Violence Reduction Team had been used on a temporary basis to address the uptick in gun violence during the summer months and since that time the team had been established on a more full-time basis and the Special Investigations section had been reorganized and were now being deployed as a Community Violence Reduction Team to build attention on individuals believed to be involved in violence in comparison to saturating a neighborhood, area or town. The manner was very intentioned, intelligence led, specific and relied on community partnerships to address the violence in the City.

Vice Chair Garcia asked for the ShotSpotter report to submit to the CPRC, although as Chief French had earlier reported there was no Crime Analyst available to pull that information together, and Captain Simmons explained that there was a complex process to prepare that report.

Staff Liaison Shané Johnson noted that she had recently met with Captain Yaa and Lieutenant Johanssen, who were in charge of the security contract with Allied and with respect to concerns about issues around City Hall and the Library, she suggested the security guard might be able to help in that regard.

Ms. Johnson referred to an open public forum safety meeting where people could address their concerns and where RPD staff and security companies would be available to respond to questions. The meetings would be held the first Monday of each month at 1:00 P.M., and she would work with RPD staff to get that going.

Chair Pro Tem Hegstrom also referred to the Library and noted that security guards used to make loiterers move on, which had not been the case since the pandemic and where the area had become a mini homeless camp with people sleeping in that area.

Mr. Soublet stated it was public property if owned by the City and unless something illegal was being done people had a right to be on public property, although sleeping on that property was another matter.

When asked, Chief French defined loitering in one particular area with no meaningful purpose as a misdemeanor where the property owner would have to ask someone to leave or there had to be some posting and a citizen's arrest, with a citation that would normally go to court. She added that a person had a right to be on public property. She noted the different circumstances that could occur, such as if loiterers were drinking or smoking in areas where smoking was not allowed that could trigger security responses.

Vice Chair Garcia referred to a Safe Park Pilot Program and Chief French stated that the RPD had been asked to provide recommendations for security plans but private security would be hired.

With respect to the search for Mr. Whittley, Chair Pro Tem Hegstrom asked at what point the searches would stop and Chief French explained there had been a meeting three weeks after Mr. Whittley had gone missing. She described the hundreds of hours of overtime that had been put into the search teams. While some resources had pulled back, the RPD continued to search although that could not be continued for long. She recognized that if Mr. Whittley had jumped from the bridge, he may never be found.

Vice Chair Garcia commended the women of the RPD on the occasion of National Women's Month and stated that International Women's Day would be honored on Saturday. She included Chief French in that commendation given that she was the first African American/Latina woman to become Police Chief in the City of Richmond.

VII. REPORT BY RICHMOND POLICE OFFICERS' ASSOCIATION (Ben Therriault)

Cordell Hindler expressed his hope that in-person meetings could be held again soon.

Detective Ben Therriault, President of the Richmond Police Officers' Association (RPOA), had nothing to report at this time.

VIII. REPORT BY RICHMOND POLICE MANAGEMENT ASSOCIATION (Captain Timothy Simmons)

Captain Timothy Simmons, President of the Richmond Police Management Association (RPMA), urged CPAC members to attend the Officer of the Year Zoom meeting. He stated RPMA was very concerned about staffing levels throughout the RPD and as things continued to progress and as positions were frozen and then removed there would be a domino effect that would make a difficult situation worse.

Captain Simmons referred to crime analyses that helped bring closure and with the loss of the Crime Analyst the situation was very concerning and had a direct effect on the quality of service offered to the community. That situation had been further impacted by the fact that the Crime Analyst Technician position had been frozen and was also vacant. As the staff person assigned to the Reimagining Public Safety Task Force, he encouraged the CPRC to pay attention to the implication of some of the recommendations given the potential for a direct effect to additional lost personnel in the RPD. A further reduction in the budget would mean a reduction of police officers, a reduction in services, fewer people doing more, which had a direct impact on the kind of service that the community had come to know, appreciate and respect. He emphasized the impacts and concerns and would continue to bring it up from a management perspective until it had been resolved.

When asked by Commissioner Diego Garcia, Captain Simmons explained that many of the officers being lost were qualified, tenured senior officers, not rookies. He explained that two highly qualified sergeants had recently been lost because they had left the profession, and at least five very senior officers from the Detective Bureau had been lost to BART's Police Department. As to the reasons for the loss of officers, he cited the recent climate of police officers feeling under attack which had caused some to leave the profession altogether, some had left for opportunities with better pay, and the political dynamic of the City Council and the perception of their lack of support of law enforcement in general had been another factor. He stated the officers wanted to serve in Richmond but the political environment was not encouraging.

Commissioner Jones referred to some officers reportedly leaving because they felt attacked but he noted that some appeared to be leaving for economic reasons and for whatever reason he stated it was sad to see the City play politics with public safety.

Detective Therriault clarified the reason for leaving was not just the money but about people being worried about where they would fit into a place that did not respect what they did and he stated the politics of the day were a factor as were the local politicians, and when local politician's called for a 20 percent reduction in the RPD that would equate to 40 to 50 officers being laid off, which did not bode well to encourage officers to stay. He added that every time a tenured person left the experience of that person would be lost and could not be easily replaced. He was aware of additional officers who had been on the RPD for 12 to 15 years who had actually started the process to leave. The problem he saw with the City was that it would run afoul of becoming a second Vallejo if people did not wake up to see what was happening.

Commissioner Jones commented that there had to be some conversation to address the issues in that because of police activity and brutality, the community was tired of people having complaints as well. Because the issue went both ways, community policing needed to look different.

When asked what could be done, Captain Simmons stated that he sat on the Reimagining Public Safety Task Force and stated the Task Force needed to properly contextualize the recommendations and the cause and effect. One recommendation wanted officers to have more training but training cost more money and there was a need to understand what realistically could be done.

Mr. Soublet stated that not only did training cost money but it did not come off-time, so when those officers were in training someone else had to be on the street and that meant overtime, which also cost money.

When asked about this year's designated Officer of the Year and the fact that this was the fourth time in a row that Officer Hodges had received that honor, Captain Simmons explained that the rank and file voted in the Officer of the Year. He stated Officer Hodges was a mild-mannered unassuming officer who was pleasant and likable in the business world and the community world, a canine officer and one of the most "proactive" officers in that he tended to find those carrying guns and tended to be involved in taking those individuals off the street. Officer Hodges did his best to represent RPD in the best possible light.

Ms. Johnson recommended that CPRC members interesting in attending the Officer of the Year event identify that interest.

Commissioner Tunis stressed the need for RPD concerns and issues to be addressed by the CPRC and the City Council to avoid the loss of more officers. He understood the primary conversation was about retirement. He had personal friends who had left other police departments to work for other law enforcement departments for more pay and better conditions. While the CPRC was intended to support the citizen side, he recognized the topnotch people in the RPD and suggested the CPRC should offer its support of the RPD to the City Council as well, and he recommended a weekly or monthly report to the City Council.

Captain Simmons described the CPRC as a body of leaders and what the CPRC did in moderation the people watching the CPRC would do in excess, and if the CPRC showed the level of support given that the Commission existed to hold accountable where accountability needed to be, support where support needed to be, and partnership where that needed to be the folks around the CPRC and the community at large would rally around and the CPRC could help propagate a positive vision as a leadership body that had the ability to have profound impact in the RDP and in the community.

X. NEW BUSINESS

A. Approve Public Summary for Complaint #2020-7 (Castellanos)

The item was moved to the April 7, 2021 meeting of the CPRC.

B. Discuss and Approve Participation in the #choosechallenge Contest for the Sisters in Solidarity Women's Day Celebration (Vice Chair Yenny Garcia)

Vice Chair Garcia referred to the #choosechallenge contest for the Sisters in Solidarity 14th Annual Women's Day Celebration where part of the celebration had asked organizations to choose a challenge they wanted to take on and take a picture. She thought it was a good idea the CPRC could use as an outreach and to also take the challenge. She asked for a discussion.

Chair Pro Tem Hegstrom asked the type of challenge involved and suggested the CPRC could take a challenge to continue to work with RPD and maintain transparency and accountability.

Since the full CPRC was not present, Chair Pro Tem Hegstrom suggested the challenge could be skipped and she encouraged everyone to celebrate Women's Day on Saturday at 10:00 A.M. She clarified that the event was virtual and everyone who wanted to participate would have to register. There was a contest in the event and any organization could participate. She had chosen a personal challenge to fight bias and pursue gender equality.

Ms. Johnson asked for the link to be able to advise how members could participate and stated a personal challenge could be identified. Her challenge was to uplift women and acknowledge their achievements.

Cordell Hindler commented that he had attended International Women's Day in the past and even though it could not be done this year, he looked forward to meeting in the Auditorium again.

The executive session was moved to the April 7, 2021 meeting of the CPRC.

XI. OPEN FORUM BEFORE CLOSED SESSION

XII. EXECUTIVE SESSION – CLOSED TO THE PUBLIC – Government Code §54957(b)

- A. Receive Report from CIAO on Case #2019-4, Officer Involved Shooting of Ciel Luk – Discuss and Vote on Findings and Recommendations**
- B. Receive Report from CIAO on Case #2020-4, Unnecessary Force/Appeal for Gustav Proka – Discuss and Vote on Findings and Recommendations**
- C. Report Any Final Action(s) Taken in Executive Session**

XIII. REPORTS OF SUBCOMMITTEES, COMMISSIONERS, AND STAFF, RIDEALONGS

Ms. Johnson advised of the schedule with Eddie Aubrey at the Office of Professional Accountability to make arrangements to view AVR footage during the times that had been identified for that purpose.

Commissioner Tunis stated he had spent some time with the panel interviews which had been rewarding and had participated in the interviews and talked with the officers. He noted that nine candidates had been interviewed and the day had been productive. He stated the National Association for Civilian Oversight of Law Enforcement (NACOLE) Police Surveillance seminar had also been very interesting, informative, and worthwhile. With respect to AVRs, he suggested viewing four a month would be challenging.

Ms. Johnson stated that whenever there was a NACOLE seminar, the CPAC had a budget to pay for those seminars for its members.

Commissioner Diego Garcia thanked the RPD for the opportunity to attend the interview panel that had been rewarding and which allowed community input. He recommended that some of the questions in the interviews should come from the CPRC and suggested the CPRC involvement made a difference on who would be hired. He added that in his opinion, a few of those interviewed could definitely be part of the community and have a career with the RPD.

Vice Chair Garcia commented that she had been trying to set up a virtual meeting with the Outreach Subcommittee and she was having difficulty getting responses to her emails to set up that meeting. She requested that Commissioners Jackson and Jones identify the best way to reach them. She added that the Communications Subcommittee would be meeting to discuss the update to the flyer.

Chair Pro Tem Hegstrom added that Commissioner Jones was also on the Policy/Ordinance Review Subcommittee and would have to respond to that subcommittee as well. She reported that the Communications Subcommittee had a new expanded scope and the flyer and PowerPoint presentation needed to be updated and photos of the full CPRC needed to be produced.

Ms. Johnson advised that some members had presented photos and some had not. If a member did not want to be part of the group that should be identified. A response either way would be helpful. On the suggestion that a photographer could take head shots to create a professional flyer to identify the CPRC, she recommended that the Communications subcommittee work on that issue offline.

XIV. ADJOURNMENT

The meeting was adjourned at 8:48 P.M.

Carol Hegstrom, Chair Pro Tem